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notwithstanding he was not present at its deliberations. The investigations and deliberations of a grand jury should be in secret, in order to secure the utmost freedom of deliberation, expression of opinion and action among the members. Hence the oath established by common-law usage: "The State's counsel, your fellows' and your own you shall keep secret." The injunction applies as well to secrets of the State, the persons accused and the witnesses who testify to facts brought out during the examination. This, however, is contrary to *U. S. v. Simmons*, 46 Fed. 65. See also *Courtney v. State*, 5 Ind. App. 356, 32 N. E. 335.

Wills—Validity—Provision.—*Cruger v. Phelps*, 47 N. Y. Supp. 61. A condition in the will of an American citizen residing abroad, by which testator's daughter forfeits her right to the income of the residuary estate, in case she resides or travels outside the continent of Europe, which condition is expressly limited to the life-time of the husband, or "until she shall be divorced from him *a vinculo matrimonii*, and remain so divorced from him," is a direct inducement to the daughter to procure such divorce, and is void as against public policy and good morals. *White v. Snyder*, 8 N. Y. Supp. 119; *Potter v. McAlpine*, 3 Dem. Sen. 108.

Contempt—What Constitutes—Newspaper Articles—Reflections on Judge.—*State ex rel. Attorney General v. Circuit Court of Eau Claire County et al.*, 72 N. W. Rep. 193 (Wis.). Articles written by a lawyer and charging a judge of the circuit court, who was a candidate for re-election with dishonesty and partiality in the trial of cases already disposed of were published in a newspaper which opposed the judge's candidacy for re-election. These articles were widely circulated and delivered by various parties to the officers and jurors of the court over which the judge presided while it was in session. The judge instituted proceedings against the author and publisher and was about to have them committed for contempt. During these proceedings an affidavit was filed alleging the truth of the articles, which affidavit was claimed by the judge to constitute a new and independent contempt, committed in the actual presence of the court. In an action on a writ of prohibition to restrain the judge from carrying out his threat of commitment, *held*, that neither the original articles nor the affidavit constituted a contempt, either at common law, or under the State statute (Rev. St. § 2565). If any contempt was committed it is what is known as a constructive contempt, and the cases cited to support the contention that the present is such contempt, do so upon the principle that libelous publications have a tendency to prejudice the course of justice in the particular case then pending. *Sturoc's Case*, 48 N. H. 428; *State v. Frew*, 24 W. Va. 416; *People v. Wilson*, 64 Ill. 195; *In re Cheeseman* (N. J. Sup.), 6 Atl. 513. But several cases hold directly that such articles, even when referring to acts of court in actions already ended, constitute contempt. *State v. Morrill*, 16 Ark. 384; *Dandridge's Case*, 2 Va. Cas. 409; *In re Chadwick* (Mich.), 67 N. W. 1071. In England the mere writing contemptuously of a superior court or judge has been declared a constructive contempt at common law, 4 Bl. Comm. 285; but such power in a court has never been adopted as part of the common law of Wisconsin. As the original publication was not a contempt, the attempt to punish it was an excess of jurisdiction of the court, and the defendants had a right, when summoned into court, to allege its truth. In no sense could they be held to have committed a new contempt in so doing.